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8	BEFORE THE	
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10		1 a 1 200 11 C
11	In the Matter of the Accusation Against:	Case No. 3009-45
12	LISA MARIE WYNTON 2017 Egret Road	ACCUSATION
13	West Sacramento, CA 95691	
14	Registered Nurse License No. 510366	
15	Respondent.	
16		
16 17	Complainant alleges:	
	Complainant alleges: PARTIE	<u>ES</u>
17	PARTIE	SS ("Complainant") brings this Accusation
17 18	PARTIE	. ("Complainant") brings this Accusation
17 18 19	PARTIE 1. Ruth Ann Terry, M.P.H., R.N	. ("Complainant") brings this Accusation
17 18 19 20	PARTIE 1. Ruth Ann Terry, M.P.H., R.N solely in her official capacity as the Executive Offic ("Board"), Department of Consumer Affairs.	. ("Complainant") brings this Accusation
17 18 19 20 21	PARTIE 1. Ruth Ann Terry, M.P.H., R.N solely in her official capacity as the Executive Offic ("Board"), Department of Consumer Affairs.	. ("Complainant") brings this Accusation er of the Board of Registered Nursing e Board issued Registered Nurse License
17 18 19 20 21 22	PARTIE 1. Ruth Ann Terry, M.P.H., R.N solely in her official capacity as the Executive Offic ("Board"), Department of Consumer Affairs. 2. On or about April 6, 1995, the	. ("Complainant") brings this Accusation er of the Board of Registered Nursing e Board issued Registered Nurse License
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STATUTORY PROVISIONS

- Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
 Code section 2764 provides, in pertinent part, that the expiration of a
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct. . .
- (f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof...
- 6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following: . . .

- (b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.
- (c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof . . .

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7. Code section 2765 states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a registered nurse is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Criminal Convictions)

- 9. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (f), in that she was convicted of crimes which are substantially related to the qualifications, functions, and duties of a registered nurse, as follows:
- a. On or about July 22, 2004, in the criminal proceeding titled *People v. Lisa Marie Wynton* (Super. Ct. Yolo County, 2004, No. CRF 040004047), Respondent was convicted by the Court on her plea of no contest to one misdemeanor count in violation of Penal Code ("P.C.") section 415(2) [maliciously and willfully disturbing another person by loud and unreasonable noise]. Respondent was originally charged with one felony count in violation of P.C. section 273.5, subdivision (a) [corporal injury on spouse], one misdemeanor count in violation of P.C. section 243, subdivision (e)(1) [battery against a spouse], and two misdemeanor counts in violation of P.C. section 273a, subdivision (b) [abusing or endangering the health of a child]; however, these charges were dismissed. The incident upon which the conviction is based occurred on approximately June 23, 2004.

1	b. On or about October 4, 2007, in the criminal proceeding titled <i>People v</i> .	
2	Lisa Marie Wynton (Super. Ct. Sacramento County, 2007, No. 07T04101), Respondent was	
3	convicted by the Court on her plea of nolo contendere to one misdemeanor count in violation o	
4	Vehicle Code ("V.C.") section 23103.5 [reckless driving]. Respondent was originally charged	
5	with one misdemeanor count in violation of V.C. section 23152, subdivision (a) [driving under	
6	the influence of alcohol or drugs], however, she was convicted of the lesser offense of Vehicle	
7	Code section 23103.5 based on a plea agreement. The incident on which the conviction is base	
8	occurred on approximately July 21, 2007.	
9	SECOND CAUSE FOR DISCIPLINE	
10	(Use of Alcoholic Beverages to an Extent or in a	
11	Manner Dangerous or Injurious to Self or Others)	
12	10. Respondent is subject to disciplinary action pursuant to Code section	
13	2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section	
14	2762, subdivision (b). On or about July 21, 2007, Respondent used alcoholic beverages to an	
15	extent or in a manner dangerous or injurious to herself, others, and the public, as set forth in	
16	paragraph 9(b) above.	
17	THIRD CAUSE FOR DISCIPLINE	
18	(Conviction Related to the	
19	Consumption of Alcoholic Beverages)	
20	11. Respondent is subject to disciplinary action pursuant to Code	
21	section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code	
22	section 2762, subdivision (c). On or about October 4, 2007, Respondent was convicted of a	
23	criminal offense involving the consumption of alcoholic beverages, as set forth in paragraph 9(b)	
24	above.	
25	///	
26	///	
27	///	
28		

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License No. 510366, issued to Lisa Marie Wynton;
- 2. Ordering Lisa Marie Wynton to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
 - 3. Taking such other and further action as deemed necessary and proper.

DATED: 9(8)08

RUTH ANN TERRY, M.P.H., R.N

Executive Officer

Board of Registered Nursing Department of Consumer Affairs

State of California Complainant

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